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*Attorneys for Defendant Flo Health, Inc.*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

ERICA FRASCO, individually and on behalf of  
 all others similarly situated,

Plaintiff,

v.

FLO HEALTH, INC., GOOGLE, LLC,  
 FACEBOOK, INC., APPSFLYER, INC., and  
 FLURRY, INC.,

Defendants.

Case No.: 3:21-cv-00757-JD

**FLO'S RESPONSE TO PLAINTIFFS'  
 MOTION FOR A PRELIMINARY  
 DETERMINATION REGARDING THE  
 AUTHENTICITY AND ADMISSIBILITY  
 OF CERTAIN DOCUMENTS**

CONSOLIDATED COMPLAINT FILED:  
 September 2, 2021

Dept.: Courtroom 11 – 19th Floor  
 Judge: Honorable James Donato

Before the start of trial, on July 12, 2025, Plaintiffs filed a motion seeking to pre-admit 16 documents. ECF No. 709. On July 18, 2025, before Flo had an opportunity to respond, the Court issued an Order providing:

ORDER: For Dkt. No. 709, all parties are advised that objections to authenticity of a document will count against the objecting party's trial time if the Court determines they are not well taken. Signed by Judge James Donato on 7/18/2025. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jdlc1, COURT STAFF) (Filed on 7/18/2025)

ECF No. 726.

Flo understands the Order to have resolved Plaintiffs' Motion. Separately, Plaintiffs' Motion has also been mooted by developments and further orders during trial. *See, e.g.*, Trial Tr. at 737:14-16 (excluding Exhibit 321). To the extent any further briefing would assist the Court, Flo will provide it at the Court's specific direction.

DATED: July 28, 2025

Respectfully submitted,

/s/ Brenda R. Sharton

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